

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

DEMETRIUS JOHNSON,)	
)	
<i>Plaintiff,</i>)	Case No. 20 cv 4156
)	
v.)	Judge Sara L. Ellis
)	
REYNALDO GUEVARA, the ESTATE of)	Magistrate Judge Heather K. McShain
ERNEST HALVERSON, DARRYL DALEY,)	
WILLIAM ERICKSON, JOHN HEALY, and)	
the CITY OF CHICAGO)	
)	JURY TRIAL DEMANDED
<i>Defendants.</i>)	

**PLAINTIFF DEMETRIUS JOHNSON’S MOTION
FOR LEAVE TO FILE *INSTANTER* EXCESS PAGES AND STATEMENT OF FACT**

1. Defendants have filed three summary judgment motions, totaling 109 pages, Dkts. 309, 323, 330, two joint statements of fact totaling 106 pages and 435 paragraphs, Dkts. 313, 321, and two *Daubert* motions totaling 136 pages, Dkts. 326 (Stebly), 327 (Tiderington), for a grand total of 245 pages of briefing and 106 pages of facts.

2. Johnson has prepared his responses to all of the above filings. In addition to responding to the sheer volume of filings, Johnson’s job of responding in full to many dozens of paragraph-long arguments in hundreds of pages of briefing necessarily requires more detail in response than is included in Defendants’ motions. This is particularly so because Defendant Guevara, who is differently situated than other Defendants given his invocation of the Fifth Amendment in response to all questions about this case, has filed a bare bones motion to join the motions of other Defendants, requiring a Guevara-specific response to arguments that he himself doesn’t even make. Similarly, in many instances,

Defendants pluck a single piece of evidence from the massive factual record to support a particular legal argument; the response to that argument requires providing a more fulsome recitation of the factual record on the issue, and applying that context to Defendants' arguments.

3. Accordingly, while Johnson has been as concise as possible, responding to each of Defendants' arguments, and preserving factual and legal arguments, has required lengthy briefs.

4. Johnson's single, consolidated response in opposition to Defendants' three motions for summary judgment is 169 pages, and his additional statement of disputed facts in support is 493 paragraphs. Johnson's responses to the City's two *Daubert* motions are 40 pages for the Tiderington response (Dkt. 338) and 46 pages for the Steblay response (Dkt. 336).

5. As this Court is aware, Plaintiff has previously proposed that both Parties agree not to waste time on motions for summary judgment. Defendants refused, necessitating the lengthy briefing on Defendants' motions for summary judgment, and Plaintiff's cross-motion.

6. In order to ensure that there is a fully developed record at summary judgment and that arguments are developed in a manner that assists the Court in efficiently resolving the pending motions, Johnson hereby seeks leave to file the above excess-length briefs.

7. Also, pursuant to this Court's standing order allowing a non-moving party to file additional disputed facts that "demonstrate that a genuine issue of material fact exists that warrants denying the motion for summary judgment," Plaintiff is filing an accompanying disputed statement of fact, with supporting citations and exhibits.

8. Plaintiff's counsel worked diligently to complete and file Plaintiff's consolidate response and corresponding statement of disputed facts, but due to the number and breadth of arguments raised in Defendants' lengthy motions seeking dismissal of all claims against all Defendants, Plaintiff failed to complete the responsive brief and statement of disputed facts on time.

9. Accordingly, Plaintiff is filing his response brief and statement of fact about three hours after midnight on the day they were due, before the opening of business. For that reason, Plaintiff submits that there is no unfair prejudice to Defendants as a result of this brief delay.

10. WHEREFORE, Plaintiff respectfully requests leave to file *instanter* his statement of disputed facts and an enlarged brief, as follows:

- a) A consolidated response in opposition to all Defendants' motions for summary judgment of 169 pages;
- b) *Daubert* responses to the City's motion to bar the expert opinions of Tiderington and Steblay of, respectively, 40 pages and 46 pages.

RESPECTFULLY SUBMITTED,

DEMETRIUS JOHNSON

By: /s/ Steve Art
One of Plaintiff's Attorneys

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